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P/2167-158

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Albert Kwang-Hwa SUN, et al.

February 2, 2001 mjs

Date: December 2, 2000

Serial No. : 09/495,393

Group Art Unit: Unknown

Filed : January 31, 2000

Examiner: Unassigned

For : SYSTEM AND METHOD FOR INTEGRATING TRADING  
OPERATIONS INCLUDING THE GENERATION, PROCESSING AND  
TRACKING OF AND TRADE DOCUMENTS

Assistant Commissioner for Patents

Washington, D.C. 20231

DECLARATION OF DAVID PERKINS  
IN SUPPORT OF PETITION UNDER 37 C.F.R. 1.47

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Technology Center 2100

Sir:

I, David Perkins, declare as follows:

1. I am an employee of a wholly owned subsidiary of The Chase Manhattan Bank ("Chase") and in that capacity an employee of Chase, the assignee of the present application, and I am employed in the Chase Legal Department.

2. In or about the first week of February 2000, I was contacted by Mr. Mark Kesslen, Chief Patent Counsel for Chase. Mr. Kesslen requested my assistance in obtaining the execution of certain patent documents by a former employee of Chase, Mr. Sol Solomon who was then residing in Australia.

3. Mr. Kesslen and his attorneys, Ostrolenk, Faber, Gerb, & Soffen, LLP ("OFGS") subsequently provided me with copies of the documents required for execution, these documents included the Affidavits, Assignments, Declarations and Powers of Attorney for the present U.S. application and the corresponding PCT, Philippine, Taiwan and Thailand applications. I was also provided with a copy of the present U.S. patent application including specification, drawings and claims.

4. Upon receiving the documents, I forwarded to Mr. Solomon a copy of the present U.S. patent application and the above documentation that needed to be executed by Mr. Solomon.

5. I arranged to meet Mr. Solomon in Melbourne, Australia on February 4, 2000. I arranged for Robin Vague to also attend the meeting. Robin Vague is a Partner of the Melbourne Office of Mallesons Stephen Jaques and is a member of the Technology, communications and Intellectual Property group of that firm. Mallesons Stephen Jaques is a leading Australian law firm. According to literature published by that firm Mr Vague "specialises in intellectual property and technology, particularly copyright, designs, patents, trademarks, information technology and franchising." At my suggestion and with the agreement of Mr Solomon, Mr Vague agreed to act as independent mediator (and not as attorney) for the meeting for the purpose of explaining the nature and effect of the documentation referred to above.

6. The meeting was held as arranged and after explaining his role as independent mediator Mr Vague took approximately 2 hours to explain the nature and effect of the Patent Application and the documents which Chase was asking Mr Solomon to sign. Mr Solomon seemed satisfied with the process and the explanations given. At the end of the meeting it was agreed that Mr Solomon would consider the request for execution of assignments with his advisers and that he would sign a letter in an agreed form. Mr Solomon signed such letter on February 11, 2000. A copy of the letter together with a copy of a cover letter bearing Mr Solomon's hand written note is attached and marked "A".

7. At sometime following the signing of the agreed form of letter Mr. Solomon telephoned me indicating that he had reviewed the present U.S. application and the documents to be executed and that he would not sign them. I encouraged Mr. Solomon to again meet with me in Melbourne to discuss the documents and Mr. Solomon agreed to such further meeting.


8. I met with Mr. Solomon in Melbourne on March 28, 2000 and discussed the documents. We reviewed and discussed each of the documents at length. We specifically reviewed and discussed each Declaration and Assignment with respect to the U.S. Application. Mr. Solomon had several objections to several of the documents. Specifically, Mr. Solomon objected that his address was listed on some of the documents as "c/o Chase Manhattan Bank." I explained that this address could be corrected and the correction initialed. Mr. Solomon further refused to the Power of Attorney in favor of OFGS as he did not know the law firm. Mr Solomon further objected to the Assignments claiming each Assignment implied he was the

owner of certain intellectual property in the inventions included in the Patent Application and he did not consider this to be correct.

9. At the conclusion of the meeting, Mr. Solomon repeated his refusal to execute the documents, including the Declaration and Assignment with respect to the present U.S. Application.

10. I further declare that all statements made herein are of my own knowledge, are true, and that all statements made on information or belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this declaration, this application or any registration resulting therefrom.

Dated: January 22, 2001

By:   
David Perkins